

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figure 3. This sheet replaces the original sheet including Figure 3. In Figure 3, the previously omitted element 300 has been added.

Attachment: Replacement sheet

REMARKS

In the Office Action, the Examiner indicated that Claims 1-30 are pending in the application, and the Examiner rejected all claims.

Applicants have herein amended independent Claims 1 and 16, as well as dependent Claims 3, 9, 10, 11, 18 and 25 to further define the invention as novel over the prior art. Claims 2, 14, 15 and 17 have been cancelled. Additionally, new Claims 31-32 have been added to further define the invention as novel over the prior art.

In the Specification

In the specification, the paragraph beginning at page 4, line 27 as well as the abstract have been amended to correct minor editorial problems.

Drawings

On page 2 of the drawings, the Examiner objected to Figure 5. Applicants assume the Examiner intended to object to Figure 3 as there is no Figure 5 in the application. As such, Figure 3 has been appropriately amended.

Claim Rejections, 35 U.S.C. §112

On page 4 of the Office Action, the Examiner rejected Claims 2-3, 9, 11-15, 17-18 and 25 as being indefinite for containing trademarks/trade names. Claims 2, 14, 15 and 17 have been cancelled

without prejudice. Additionally, Claims 3, 9, 11, 18 and 25 have been amended to remove any trademarks/trade names, and as a result, the Examiner's rejections are considered moot.

Claim Rejections, 35 U.S.C. §§ 102 and 103

On page 5 of the Office Action, the Examiner rejected Claims 1-15 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,530,075 to Beadle. On page 9 of the Office Action, the Examiner rejected Claim 98 under 35 U.S.C. §103(a) as being unpatentable over Rangan in view of U.S. Patent Application No. 2004/0221272 to Wu.

With respect to the pending claims, according to the MPEP, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131. Additionally, a *prima facie* case of obviousness can only be established when "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." MPEP §2143. Applicants submit that Beadle neither anticipates the claimed invention, nor provides a basis for an obviousness rejection.

As amended, Claim 1 recites as follows:

A tool for processing a p-code file, comprising:
analyzing p-code methods to be compiled within said p-code file;
identifying one or more p-code methods that have at least one profile
parameter including an associated priority level above a threshold level; and
annotating said identified p-code methods to be compiled to enable
preferential processing of said p-code file based on said associated priority level
of each identified p-code method.

Independent Claim 16 recites similar limitations. One important aspect of the claimed invention prioritizing p-code methods and enabling preferential processing of the p-code methods based upon this the prioritizing. By providing priority levels, a processor can compile the p-code file in a structured order that will ensure that any essential method steps are compiled before any non-essential steps.

Beadle fails to teach or suggest identifying p-code methods having at least one profile parameter including an associated priority level and enabling preferential processing of the p-code method based on the priority level. Rather, Beadle discloses just-in-time (JIT)/Compiler Java language extensions to enable field performance and serviceability. Specifically, the invention provides a programmer keyword extensions of the Java language to indicate which Java objects, classes, methods or code sections are to be just-in-time compiled. Essentially, Beadle only teaches which Java objects are to be compiled, but does not teach in what priority they are to be compiled. In contrast, the present invention specifically teaches enabling preferential processing based upon a priority level for each p-code method in a p-code file.

Without a disclosure of prioritizing p-code methods and enabling preferential processing of the p-code methods based upon this the prioritizing as claimed, Rangan cannot be said to anticipate the present invention or to provide a basis for an obviousness rejection. As such, the present invention is novel and non-obvious over the prior art of record and an early Notice of Allowance is earnestly solicited.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 19-5425.

Respectfully submitted,

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